

SOLOMON AUGILLARD)	
)	
Claimant-Respondent)	
)	
v.)	
)	
POOL COMPANY)	DATE ISSUED:
)	
and)	
)	
SIGNAL MUTUAL INDEMNITY)	
ASSOCIATION, LTD)	
)	
Employer/Carrier-)	
Petitioners)	ORDER on RECONSIDERATION

Employer has timely filed a motion for reconsideration of the Board's Decision and Order in this case, *Augillard v. Pool Co.*, BRBS , BRB No. 96-1327 (May 30, 1997). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. We hereby grant employer's motion for reconsideration and the relief requested.

In its motion for reconsideration, employer contends that on May 12, 1997, it filed with the Board a motion to dismiss its pending appeal, inasmuch as the parties had entered into a settlement agreement pursuant to Section 8(l) of the Act, 33 U.S.C. §908(l)(1988), which had been approved by Administrative Law Judge C. Richard Avery on April 2, 1997. Employer thus regrets that the Board vacate its May 30, 1997 Decision and Order since it was issued subsequent to employer's motion to dismiss its appeal.

Section 802.401(a) of the Board's implementing regulations, 20 C.F.R. §802.401(a), provides that at any time prior to the issuance of a decision by the Board, the petitioner may move that the appeal be dismissed. In the instant case, employer's

motion to dismiss was not associated with its appeal file prior to the issuance of the Board's May 30, 1997, decision. We therefore grant the relief requested by employer; the Board's May 30, 1997, Decision and Order is vacated.

ROY P. SMITH
Administrative Appeals Judge

JAMES F. BROWN
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge